

REMARKS

Reconsideration of the present application is respectfully requested. No new matter has been added. Claims 1–15 remain pending in the application.

The Examiner rejected claims 1–8, 11, and 13–14 under 35 U.S.C. § 103(a) as being unpatentable over Mielke (U.S. 3,872,935) in view of Kaczerwaski (U.S. 4,611,350). The Examiner also objected to claims 9-10, 12 and 15 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicants have amended claims 9-10, 12 and 15 as requested by the Examiner. Thus, it is respectfully submitted that the objections to claims 9-10, 12 and 15 have been overcome and claims 9-10, 12 and 15 are in condition for allowance.

With respect to the rejection of independent claim 1 as unpatentable over Mielke in view of Kaczerwaski, Applicants have amended claim 1 to require that the liner member be “relatively rigid”. There is no teaching or suggestion, singly or in combination, in Mielke and Kaczerwaski to form a soil sample liner of a liner member that is both (a) relatively rigid, and (b) having reduced areas of thickness, as required by amended claim 1.

Mielke teaches a flexible, heat-shrinkable plastic lining and teaches away from using rigid wall sample containers. (Mielke, col. 1, ll. 34–36; col. 3, ll. 7-21). Kaczerwaski is directed to “liners for various containers such as waste baskets, garbage cans and the like.” (Kaczerwaski, col. 1, ll. 9-11). At least some of the limitations required by amended claim 1 are simply not present in these references. Therefore, Mielke and Kaczerwaski cannot make the invention of amended claim 1 obvious, and it is submitted that amended claim 1 is now

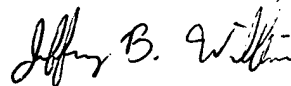
allowable and respectfully requested that the rejection of claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Mielke in view of Kaczerwaski be withdrawn.

Claims 2-8, 11 and 13-14 depend either directly or indirectly from claim 1. As claim 1 is now believed to be allowable over the references of record, it is submitted that claims 2-8, 11 and 13-14 are also allowable. Therefore, it is respectfully requested that the rejection of claims 2-8, 11 and 13-14 under 35 U.S.C. § 103(a) as being unpatentable over Mielke in view of Kaczerwaski be withdrawn.

Conclusion

For the reasons stated above, Applicants respectfully submit that claims 1-15 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-15. If any issue remains that would prevent issuance of this application, the Examiner is urged to contact the undersigned prior to issuing a subsequent action. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112.

Respectfully submitted,



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